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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 8298—Ml. 130-18-1, dated 7th January 1919.

In exercise of the powers conferred by Section 11 (*c*) of the Mysore Municipal Regulation, No. VII of 1906, and in supersession of the existing Rules on the subject, the Government of His Highness the Maharaja of Mysore are pleased to make the following Rules prescribing the qualifications of voters and candidates at elections of Municipal Councillors in every Town Municipality in which the elective system is introduced, and regulating the conduct of such elections.

PRELIMINARY.

1. These rules may be cited as "the Town Municipal Election Rules, 1919."

Definitions

2. In these rules (i) "a new Municipality" means a Municipality newly established by the Government of His Highness the Maharaja of Mysore, but of which the first Municipal Councillors have not yet entered upon their office;

(ii) "the Deputy Commissioner" means the Deputy Commissioner of the District in which the Municipality in question is situate and includes an Assistant Commissioner to whom the Deputy Commissioner may delegate as he is hereby empowered to delegate, any of his powers or duties under these rules;

(iii) "the Regulation" means the Mysore Municipal Regulation, No. VII of 1906, as amended by Regula-

tions Nos. IX of 1911, VIII of 1914, VIII of 1915, III of 1916 and V of 1918.

DIVISIONS.

Dividing of Municipalities into Divisions and apportioning elective Councillors thereover.

3. (i) If the population of a Municipality, as ascertained at the last general census, is not less than six thousand, the Deputy Commissioner, in the case of a new Municipality and the Municipal Council in every other case, may divide the said Municipality for electoral purposes into two or more divisions, the boundaries of which shall be clearly defined, and, when such a division has been made, shall apportion the number of elective Councillors over the said divisions, in the proportion, as nearly as may be, which the population or estimated population thereof bears to the population of the entire Municipality.

(ii) The divisions into which the existing Town Municipalities are at present divided for electoral purposes, and the number of elective Councillors at present apportioned over the several divisions shall be deemed to have been fixed and apportioned under clause (i).

(iii) The Municipal Council may, from time to time, alter the number and boundaries of the divisions and re-apportion the number of elective councillors among the divisions: provided that except with the sanction of the Government no such alteration or re-apportionment shall take effect within six months from the date on which it is made and that every such re-apportionment be made in the proportion aforesaid.

4. (1) If in any division of a Municipality divided for electoral purposes into divisions under the foregoing rule not less than 50 per cent, and in a Municipality not so divided not less than 25 per cent of the total number of persons eligible to vote belong to any one section of the inhabitants then such voters may apply to Government, provided that the application is made by not less than three-fourths of their total number, for permission to elect one or more members of such section, and the Government may thereupon pass such orders as they deem fit.

(2) If, in any Municipality, there is any recognised public body or association such body or association may apply to Government by a resolution passed by not less than three-fourths of the total number of members of such body or association for separate representation on the Municipal Council by election from among themselves: provided that the strength of such body or association has not been less than 100 for a period of six months next prior to the date of such resolution, and that not less than three-fourths of the members are entitled to have their names entered in the list of voters and the Government may thereupon pass such orders as they deem fit.

QUALIFICATIONS OF VOTERS AND CANDIDATES.

Qualifications of voters.

5. Unless disqualified under Section 21 of the Regulation by being less than 21 years of age, all persons who are of sound mind and who are not deaf-mutes and who are subjects of Mysore or any other State in India and all British subjects qualified to voters under Section 12 (*a*) and (*b*) of the Regulation and

the following persons of the male sex, shall be entitled to have their names entered in the list of voters, *viz.*:—

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Who have been residents of the Municipality for not less than six consecutive months prior to the date of the publication of the list of voters.

(i) First and second grade pleaders holding Sanads from the Chief Court of Mysore;

(ii) Persons upon whom titles have been conferred by the Government of India, or, by His Highness the Maharaja of Mysore;

(iii) Servants of Government, or of any public body, or of any corporation, or of any company registered under Regulation VIII of 1917, whose salary is not less than Rs. 15 per mensem.

(iv) Patels and Shanbhogs actually doing the duties of their respective offices;

(v) Persons in receipt of pension of not less than Rs. 15 per mensem from Government, or, from any public body, or corporation or company registered as aforesaid; and

(vi) Registered Land-holders whose holdings are assessed (or in the case of alienated lands, would be assessed if they were not alienated) to the land revenue at an amount not less than Rs. 2-8-0.

(vii) (*a*) Persons who have paid for a period of not less than six months next prior to the date of the publication of the list of voters, Municip l taxes, other than octroi or toll, of an amount not less than rupee 1.

(vii) (*b*) Persons who have been during the period aforesaid the occupiers as owners, mortgagees or tenants of buildings on account of which there has been paid for such period a tax of not less than the amount fixed under the above para.

(viii) In the case of a new Municipality.

(*a*) persons holding immovable property within the Municipality valued by the Deputy Commissioner, or such Officer as he appoints in this behalf at Rs. 250 or more,

(*b*) persons who have paid in respect of the year immediately preceding the election, mohatarfa tax of an amount not less than Rs. 4; and

(*c*) persons who have been residents of the Municipality for not less than six consecutive months next prior to the date of publication of the list of voters and who have paid to Government or to an Inamdar for the last revenue year previous to the said date, on account of land revenue, or, of rent of land, a sum of Rs. 30 or more.

Provided that—

(*a*) when any qualification prescribed by this rule is possessed by an undivided family, or any asssociation or body of individuals, other than a company or firm, or any trustees, being two or more in number of any building or land, any one individual person duly authorised in this behalf by the members of such family, association, or body, or by such trustees, and when such qualification is possessed by any company or firm, the resident member, manager or agent thereof shall, unless he is disqualified under Section 21 of the Regulation on account of being less than 21 years of age, be entitled to have his name entered in the list of voters on behalf of such family or association or body or trustees or company or firm;

(*b*) If any person whose name is entered in the said list under proviso (*a*) possess, on his own separate account any qualification prescribed as aforesaid, he shall be entitled to have his name entered in the said list separately on his own account;

(*c*) except in the case mentioned in proviso (*b*) no person shall be entitled to more than one vote although he be qualified under two or more of the tests of qualification prescribed by this rule or by Section 12 of the Regulation.

Voters entitled to vote in one division only.

6. When a Municipality is divided for electoral purposes into divisions, each voter shall be entitled to vote in the division, in which he resides, or in the case of a qualification arising from the payment of Municipal taxes, in the division in which his liability to pay the same occurs.

Provided that—

(*a*) no person shall be entitled to vote in more than one division;

(*b*) any person possessing the qualifications of a voter in connection with more than one division shall be at liberty to choose for which of such divisions he shall be entitled to vote; and failing his doing so within a week after public notice has been given calling upon all such persons to make their choice, shall be entitled to vote in such division as the Municipal Council, or, in the case of a new Municipality, the Deputy Commissioner shall determine.

What person may be candidates at a Municipal election.

7. (1) Voters of the classes described below shall, unless illiterate or disqualified under Section 15 of the Regulation be qualified to be candidates for Municipal Councillorship at such election:—

(*a*) persons mentioned in Section 12 (*a*) and (*b*) of the Regulation,

(*b*) persons mentioned in paras (i) and (iv) of Rule 4 *supra*,

(*c*) persons other than Government servants described in para (iii) of the abovesaid rule if their pay is not less than Rs. 40.

(*d*) pensioners of the kind described in para (v) of Rule 4 *supra*, provided that their pension is not less than Rs. 15.

(*e*) Registered landholders whose holdings are assessed (or in the case of alienated lands would be assessed if they were not alienated) to the land revenue at an amount not less than Rs. 5.

(*f*) (1) persons paying Municipal taxes of amounts not less than Rs. 2-8-0.

(2) persons who have been the occupiers as owners, mortgagees or tenants of buildings on account of which there has been paid a tax of not less than the amount fixed under the above sub-para, and

(*g*) in the case of new Municipalities, (i) all persons mentioned in (*a*), (*b*) and (*d*); (ii) persons owning immovable property valued at not less than Rs. 600; (iii) persons who have paid in respect of the year immediately proceeding the election, mohatarfa tax of an amount not less than Rs. 8 and (iv) persons who have paid a sum not less than Rs. 60

as land revenue or rent of land for the last revenue year previous to the publication of the list of voters.

(ii) If the Municipality has been sub-divided for electoral purposes into divisions, any person whose name is entered in the list of voters as entitled to vote in one division may be a candidate for election either in the division for which his name is so entered or in any other division.

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LIST OF VOTERS AND CANDIDATES.

By whom and in what manner and at what periods list of voters and candidates is to be prepared.

8. (i) The Deputy Commissioner shall, from time to time, appoint an officer of the Municipal Council, or, in the case of a new Municipality any person whom he thinks fit, to prepare a list of voters. This list shall also indicate what persons shown therein are eligible to be candidates at elections.

(ii) If the Municipality has been divided for electoral purposes into divisions, such list shall show the persons entitled to vote in each division separately.

(iii) In the case of a Municipality, whether a new Municipality or not, to which elective Councillors are to be appointed for the first time after these rules come into force, the said list shall be prepared as soon as may be after it has been notified by the Government that the Municipal Council shall consist wholly or partly of such Councillors.

(iv) Similar new lists shall be prepared every year by an officer of the Municipality as aforesaid.

Publication of lists.

9. Every list prepared under Rule 8 shall be published by affixing a copy thereof in Kannada and in English also, if considered necessary by the Deputy Commissioner or by the Municipal Council, at the Municipal Office, or in the case of a new Municipality, at the chavadi and at such other conspicuous place or places within the Municipality, as the Municipal Council, or, in the case of a new Municipality, the Deputy Commissioner shall appoint at least two months before the date herein below specified, *viz.*:—

(*a*) in the case of an existing Municipality, for which a new constitution is for the first time notified by the Government under Section 11 of the Regulation, the date fixed by the Government for the commencement of the new constitution of such Municipality;

(*b*) in the case of a new Municipality, such date as the Deputy Commissioner in his discretion, fixes for the commencement of the terms of office of the first Municipal Councillors; and

(*c*) in respect of every list of voters after the first, the first day of June or other date the Government may determine by notice to be given in that behalf and to be affixed at the Municipal Office.

Revision of lists.

10. (i) Any person whose name is not entered in the list of voters published as aforesaid and who deems that he is entitled to have his name entered therein, any person whose name is entered in the said list and who is eligible to be a candidate at election but who is not shown

as such therein and any person whose name is entered in the said list who shall think that the name of some other person has been wrongly entered therein as a voter, or, as a voter and candidate, may apply in writing within a fortnight from the date of publication of the list, to the officer or other person appointed under Rule 7 to prepare the list, for the amendment thereof.

(ii) The officer or other person appointed as aforesaid shall forthwith forward every such application, with his report thereupon, for the decision of the Municipal Council, or, in the case of a new Municipality, of the Deputy Commissioner.

(iii) The officer or other person appointed to prepare the list may also bring to the notice of the Municipal Council, or, in the case of a new Municipality, of the Deputy Commissioner, within a fortnight from the date of publication of the list, any additions to, or corrections in, the list which he shall discover to be necessary, otherwise than on the application of any person interested therein.

(iv) Notice of every application under Sub-Section (i) and of every reference under Sub-Section (iii) should be given by the Municipal Council, or, Deputy Commissioner receiving the same to any person affected thereby and the Municipal Council at its next meeting, or, the Deputy Commissioner on such early date as he may fix in this behalf in the notice, shall consider and pass order on such application or reference. A copy of every order so passed upon an application shall without delay be communicated to the person by whom the application was made and a copy of every order, whether upon an application or a reference shall without delay be communicated to each person, if any, whose name is thereby ordered to be removed from the list of voters, or, who is declared ineligible to be a candidate at election.

(v) An appeal shall lie to the Deputy Commissioner from the decision of a Municipal Council on any such application, or, reference, but the Deputy Commissioner may decline to entertain any appeal which is not presented within ten days from the date when the decision of the Municipal Council is communicated to the appellant.

(vi) Every order passed by the Deputy Commissioner under this rule shall be final.

Publication of additions, etc., made on revision of list.

11. (i) All additions to, and corrections in, the list of voters and candidates, made under the authority of the Municipal Council, or of the Deputy Commissioner on appeal or otherwise, shall be published in the manner prescribed in Rule 9 at least fourteen days before the date specified in that rule.

Custody of list.

(ii) Every list of voters prepared with all additions thereto and corrections therein made under these rules shall be entered in a book, each page of which shall be sealed with the common seal of the Municipal Council, and the said book shall be kept in the Municipal chest or safe under lock and key, and the officer whose duty it is to keep the key of the said chest or safe shall be responsible for the safe custody of the said book.

TIME AND PLACE FOR ELECTIONS.

Deputy Commissioner to fix and publish times and places for elections.

12. The dates on which, the hours during which, and the places at which Municipal elections shall be held shall be fixed by the Deputy Commissioner by written

notice published in English and Kannada, not less than fifteen days before the earliest date prescribed in such notice, and copies of the notice shall be affixed at the Municipal Office, or, in the case of a new Municipality, at the chavadi, and at such other conspicuous place or places within the Municipality as the Municipal Council, or, in the case of a new Municipality, the Deputy Commissioner appoints for this purpose.

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VOTERS AT ELECTIONS.

What persons may vote at a Municipal election.

13. (i) Only those persons shall be entitled to vote at a Municipal election, whose names are entered in the revised list of voters and candidates of the Municipality in which such election is held, last published before the date of election.

(ii) If the Municipality has been sub-divided for electoral purposes into divisions, the said persons shall be entitled to vote only in the division for which their names are, respectively, entered in the said list.

NOMINATION OF CANDIDATES.

Nomination how and by whom to be made.

14. (i) Every person who desires or is willing to become a candidate for a Municipal Councillorship and who is shown in the list of voters and candidates as eligible to be a candidate at the election must be nominated in writing for this purpose by two persons entitled to vote at the election for such Municipal Councillorship, and the nomination paper must bear an endorsement signed by the nominee signifying his willingness to serve, if he should be elected, and be delivered to the officer appointed by the Deputy Commissioner for this purpose at least ten days before the date fixed for election.

(ii) The said officer shall, if any nomination paper is prepared and delivered to him in accordance with Sub-Section (i) and if the nominators establish to his satisfaction that they are entitled to vote at the election and that the nominee is qualified as a candidate, include the nominee's name in a list of candidates which shall be prepared under his signature and posted up at the Municipal Office, or, in the case of a new Municipality, at the chavadi, or other place the Deputy Commissioner appoints for this purpose, and at the place at which the election is to be held and in other conspicuous places, at least five days before the date fixed for election.

(iii) When in a Municipality which has been sub-divided for electoral purposes into divisions, elections are to be held at or about the same time in two or more divisions, one and the same person may be nominated for election in all or in any number of the said divisions.

CONDUCT OF ELECTIONS.

Appointment of Polling-officer.

15. A Polling-officer shall be appointed by the President of the Municipal Council, or, in the case of a new Municipality, by the Deputy Commissioner to preside at each place at which an election is to be held and to receive votes thereat. If possible, the Polling-officer shall be a person who is acquainted with, and therefore able to identify, the voters or the greater number of them.

For how many and for what persons votes may be given.

16. Every voter may vote for as many candidates as there are Councillors to be elected for the Municipality or division as the case may be. A vote for any person whose name is not included in the list of candidates published under Rule 13, shall not be received.

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Voters to vote in person.

17. Voters must vote in person.

Voting to be by ballot.

18. The votes shall be given by ballot.

Description of ballot.

19. The ballot of each voter shall consist of an envelope supplied at the Polling Office, on the face of which the number of vacancies to be filled and the names of candidates for election whose nominations have been included in the list of candidates under Rule 14 shall be printed or legibly written, but the name of any candidate who may have subsequently withdrawn his candidature should be scored out by the President of the Municipal Council, or, in the case of a new Municipality, by the Deputy Commissioner, or the Polling-officer under the orders of the President or the Deputy Commissioner as the case may be. The voter shall write his name and number inside the envelope and hand it over to the Polling-officer, who shall, after seeing that the name and number of the voter are legibly entered, close the envelope, seal it or sign across the flap and give it to the voter. In the case of illiterate voters, the Polling-officer shall enter their name and number inside the envelope.

Procedure in voting.

20. (i) The voter shall then go into a private cubicle, which shall be provided within the polling booth, score out the name or names of the candidates for whom he does not vote, retaining the name or names of the candidates, not exceeding the number of persons to be elected, for whom he votes and himself drop, without the Polling-officer seeing for whom he has voted, the envelope into the ballot box.

"The Polling-officer shall carry out any special rules that may be made by the President of the Municipal Council, or, in the case of a new Municipality, by the Deputy Commissioner, as he is hereby empowered to make such rules, for recording the votes of illiterate persons and also of such as are unable to write."

Provision of ballot boxes.

(ii) The ballot box shall be so constructed that the ballot paper can be introduced but not extracted without the box being unlocked and it shall be securely sealed by the President of the Municipal Council with the Municipal seal, or, in the case of a new Municipality, by the Deputy Commissioner with the Deputy Commissioner's seal. The President or the Deputy Commissioner, as the case may be, shall certify in writing that the box is empty and hand it over personally to the Polling-officer at the Polling Office on the day of election.

(iii) One or more boxes so sealed shall be provided by the Municipal Council or, in the case of a new Municipality, by the Deputy Commissioner or such officer as he appoints in this behalf for each place at which votes are to be received. The cost of boxes so provided in the case of a new Municipality shall be paid by the said Municipality as soon as may be, after its first Councillors come into office.

What votes shall be allowed by the Polling-officer.

21. No vote shall be received by the Polling-officer from any person who, under Rule 13, is not entitled to vote.

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Polling-officer to statisfy himself of identity of persons tendering votes, etc.

22. The Polling-officer shall satisfy himself as to the identity of the persons tendering votes, and may refuse the vote of any person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. He is also responsible for seeing that the votes shall be recorded with absolute secrecy, that no person who is not entitled to vote shall be admitted to the polling booth and that persons who have recorded their votes shall leave the booth immediately.

Voting boxes how to be disposed of by Polling-officer.

23. After the close of the poll, the Polling-officer shall forthwith forward the box or boxes aforesaid with its seal or their several seals intact, to the President of the Municipal Council, or to such Municipal Councillor, or, officer as the President appoints in this behalf, or, in the case of a new Municipality, to the Deputy Commissioner or to such officer as the Deputy Commissioner appoints in this behalf.

DETERMINATION OF RESULTS OF ELECTIONS.

Scrutiny of votes and declaration of results of elections.

24. (i) The boxes aforesaid shall be opened in the presence of the Municipal Councillors at a special general meeting convened for this purpose, or in the case of a new Municipality, in the presence of the Deputy Commissioner, or of such officer as the Deputy Commissioner appoints in this behalf.

(ii) The votes shall then be scrutinized and those that are valid counted by such persons as the meeting, or the Deputy Commissioner, or other officer aforesaid appoints in this behalf. Any ballot paper on which the names of more candidates are retained than there are persons to be elected, shall be invalid.

(iii) The results of the election on being ascertained at a special general meeting of the Municipal Councillors shall be declared by the presiding officer of such meeting and shall be recorded in the minutes of the proceedings of the meeting. In any other case, the result shall be declared by the Deputy Commissioner, or, by the officer appointed by him as aforesaid. Provided that no candidate shall be considered as elected unless he secures the votes of at least one-eighth of the total number of persons entitled to vote.

Proceedings when two or more candidates have an equal number of votes, etc.

25. (i) If there is an equal number of votes in favour of each of two or more candidates for one Councillorship, the selection of one of such persons shall be made by lot by the presiding officer of the aforesaid meeting, in such manner as the meeting shall determine, or, in the case of a new Municipality, by the Deputy Commissioner or by the officer appointed by the Deputy Commissioner as aforesaid, in such manner as the Deputy Commissioner or the said officer shall determine.

(ii) In the event of any person being elected for two or more divisions, such person shall be at liberty to choose the division which he will represent and failing his doing so within forty-eight hours after the declaration of the result of the election, he shall represent such of the said divisions as the Deputy Commissioner shall

determine. In every other division for which the said person has been returned other than the one which he elects to represent or which it is determined as aforesaid that he shall represent, the result of the election shall be determined as if no votes had been recorded for him.

CUSTODY AND DESTRUCTION OF VOTING-PAPERS.

Safe custody of voting-papers and Polling-officer's memoranda.

26. When the voting-papers have been scrutinized, they shall be replaced in the box from which they were taken, and the box, after being locked and sealed with the Municipal seal, or, in the case of a new Municipality, with the Deputy Commissioner's seal, shall be kept by the President of the Municipal Council, or, in the case of a new Municipality, by or under the direction of the Deputy Commissioner, in safe custody for a period of fifteen days from the date of the declaration of the result of election.

Eventual destruction of voting-papers and Polling-officer's memoranda.

27. (i) On the expiry of fifteen days from the said date, or, if an application regarding the election is made to the District Judge under Section 22 of the Regulation, and such application is not finally disposed of before the expiry of fifteen days from the said date, then whenever such application has been finally disposed of, the voting papers shall be destroyed in the presence of such Municipal Councillor or officer as the Municipal Council appoints for this purpose, or, in the case of a new Municipality, in the presence of the Deputy Commissioner or of such officer as the Deputy Commissioner appoints in this behalf.

(ii) On receipt from any person of a written intimation that he has made an application regarding the election as aforesaid, the Municipal Councillor, or in the case of a new Municipality, the Deputy Commissioner, or other officer appointed by him as aforesaid, shall cause the voting-papers to be kept, pending the final disposal of the said application.

GAZETTING THE RESULTS OF ELECTION.

Publication of results of elections in the *Mysore Gazette*.

28. The result of every election declared at a special general meeting under Rule 24 shall be certified by the presiding officer of such meeting to the Deputy Commissioner who shall report the same to the Government for being notified in the *Mysore Gazette*. The Deputy Commissioner shall also report to the Government the result of every election declared under the said rule by himself, or, by an officer, appointed by him for being published in the said Gazette.

Bye-elections

29. On a vacancy occurring in a Municipality between two general elections, it shall be reported by the President of the Municipal Council to the Deputy Commissioner who shall report it to the Government and the above rules shall apply to such bye-elections except Rules 10 and 11. The last revised list of voters and candidates shall be published and persons entered in that list, unless disqualified in the meantime, shall alone be considered entitled to vote or to be elected. Provided that no bye-election shall, except with the sanction of the Government, be held later than one month after the vacancy is reported.

By Order,
C. S. BALASUNDARAM IYER,
For *Secretary to Government*,
Revenue Department.